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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Yukie	Art Unit: 3628
Serial No.: 09/542,139	Examiner: Poinvil
Filed: April 4, 2000	50P 3859.02
For: SYSTEM AND METHOD FOR PROVIDING PUBLICLY VENDED CONTENT VIA A WIRELESS NETWORK	January 21, 2006 750 B STREET, Suite 3120 San Diego, CA 92101

REPLY BRIEF

Commissioner of Patents and Trademarks

Dear Sir:

This responds to the Examiner's Answer dated January 18, 2006. The Answer appears to be based on obsolete appellate rules, see, e.g., section 7 (claim grouping statements are no longer required).

The Answer completely fails to rebut Appellant's point that nowhere does Hylton et al. ever teach or suggest billing based on the type of user terminal or the number of IP packets delivered, in contrast to Claim 12. Instead, the Answer repeats the erroneous and unsupported leaps of logic in the final rejections.

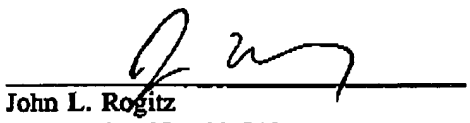
For instance, the conferees allege that since Hylton et al. teaches that different terminals can receive content, that means that users must be billed by terminal type. Strange that Hylton et al. never makes this connection. Dispositive, too - absent a prior art teaching, the conferees' unsupported equation of sending content to different terminals to billing based on terminal type merits reversal.

The conferees also render other imaginative allegations. As an example, despite the fact that Hylton et al. nowhere mentions it, the conferees, at the bottom of page 7, speculate that unless one billed by the terminal type or number of packets, one would not have "any kind of control", apparently oblivious to the fact that one could retain plenty of control using other billing paradigms, e.g., by content piece, etc.

Having demolished the attempt in the Answer to shore up the bankrupt case against Claim 12, Appellant will now turn to what the Answer has to say about Claim 1. In essence, the conferees allege an irrelevancy - that Hylton et al. selects a channel and transmits it to a customer to thus supply information. That's great, but the logic of announcing that this seemingly pointless teaching somehow means Appellant is wrong in asserting that Hylton et al. does not appear to mention a connect server that accesses a database of publicly vended content escapes Appellant.

The illogic keeps flowing in the Answer's treatment of Claim 2 when it translates the distribution of digital broadband information in a customer's premise to the use of a directional wireless path. There's plainly been a great deal lost in translation.

Respectfully submitted,



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